

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/8/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAY STREET ADVISORS, LLC,

Plaintiff,

-against-

KEVIN P. MAHONEY,

Defendant.

24-CV-9139 (RA) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during the August 7, 2025 discovery conferences, the Court hereby GRANTS IN PART and DENIES IN PART: (i) plaintiff's letter-motion to compel non-parties Brenneman, Robinson, and Yie (the Former Employees) to produce additional documents in response to plaintiffs' subpoenas duces tecum (Dkts. 58, 59); (ii) the Former Employees' cross-motion to quash or modify the subpoenas (Dkt. 63); and (iii) plaintiff's letter-motion to compel defendant Mahoney to produce additional responses to plaintiff's interrogatories and requests for admission (RFAs) (Dkt. 76).

The Former Employees (Dkts. 58, 59, 63)

RFPs 2 and 3: To the extent they have not already done so, the Former Employees must produce (or log, if withheld on privilege grounds) all documents responsive to these requests as narrowed during the conference, that is, limited to the time period between November 1, 2023 and June 30, 2024; excluding communications to or from Mahoney; and excluding communications to or from BSA email addresses. The Former Employees need not produce documents responsive to the remaining RFPs in contention at this time. Plaintiff must pay fifty percent of the non-attorney costs reasonably incurred by the Former Employees to comply with this Order (*e.g.*, fees paid to discovery vendors for collection, storage, data hosting or forensic imaging). The Former Employees must provide documentation of those costs to plaintiff.

In light of the mixed outcome of these motions, and except as set forth above, no attorneys' fees or other expenses will be awarded pursuant to Fed. R. Civ. P. 45(d)(1) or 45(d)(2)(B)(ii).

Defendant Mahoney (Dkt. 76)

To the extent he has not already done so:

RFAs 13 and 15: Defendant must amend his responses to these RFAs, deleting the limitation "subject to the foregoing General Objections."

RFA 17: Defendant must amend his response to this RFA, deleting the limitation "subject to the foregoing General and Specific Objections."

Interrogatory 14: Defendant must amend or supplement his responses to subsections (b) and (c) so as to make it clear whether he "directly interacted" with any of the candidates for the searches described therein. If he cannot recall any direct interaction with those candidates (and consequently believes that no direct interaction occurred), he may so state. Defendant need not amend or supplement his responses to the remaining RFAs and interrogatories in contention at this time.

In light of the mixed outcome of plaintiff's motion, no attorney's fees or other expenses incurred in making the motion will be awarded pursuant to Fed. R. Civ. P. 37(a)(5)(A)-(C).

The Clerk of Court is respectfully directed to close the motions at Dkts. 58, 59, and 76.

Dated: New York, New York
August 8, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge